

February 9, 1979

LB 91, 111

be taken by any reliable means. As we know through the development of electronic media the last number of years, the process of taking depositions has changed substantially from one which was primarily stenographic to one where today the electronic methods are very often used. This bill simply provides that the individual taking the deposition can use whatever reliable means of taking that deposition that they choose. It does not prevent the court from ordering a specific type of deposition if it so chooses but it does allow for the individual taking the deposition to make his own decision unless he is ordered differently by the court. It should improve the facilities of the court reporters and it should also help hopefully to hold down some of the cost of the depositions. If there are any questions, I would be happy to try to answer them.

PRESIDENT: Any further discussion on LB 91? If not, the motion is to advance to E & R Initial. All those in favor then signify by voting aye, opposed nay. Have you all voted? Record the vote.

CLERK: 27 ayes, 1 nay on the motion to advance, Mr. President.

PRESIDENT: Motion carries. LB 91 is advanced to E & R Initial. Take up LB 111.

CLERK: Mr. President, LB 111. Rea title. The bill was first read on January 8 of this year. It was referred to the Judiciary Committee. The bill was advanced to General File. Senator Chambers as introducer has amendments pending, Mr. President.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, first of all, I will tell you what this bill does. It changes the amount that a prisoner is credited against a fine. Now the current law says that he gets \$6 a day for each day served. Municipal Judge Ryan in Omaha and other judges feel that this is a woefully small amount and he had suggested \$20 because that would agree with the witness and the jury amounts that are paid per day, but since the minimum wage is close to \$3 a day and other states allow \$30 a day, California precisely, specifically, I felt that \$25 would be more reasonable and Judge Ryan at the committee hearing said that he would not disagree with this. The reason I have offered additional amendments, there was a U. S. Supreme Court, Tate against Short, which was handed down in 1971, and I have a copy of the case for anybody who would like to see it, and it makes it unconstitutional to have a provision as a punishment which provides for a fine